

### REMARKS

#### **Status of the Claims**

The Office Action dated February 10, 2003 has been received and its contents carefully considered. Claims 1-5, 7-12, 14-16, 19 and 20 are pending. Claims 1-5, 7-12, 14-16, 19 and 20 have been rejected. Claims 1, 9 and 16 have been amended.

Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

#### **Office Action**

Claims 1-4, 7-8, 16 and 19-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sorenson. Without conceding the propriety of the rejection independent claims 1 and 16 have been amended. It is respectfully submitted that Sorenson does not teach, *inter alia*, “the first elongated member further comprising at least one receptacle for receiving a restricting device through an end of the first elongated member,” as recited in claims 1 and 16. The Examiner considers the locking ring 110 disclosed by Sorenson as a restricting device of the present invention. However, upon review of the locking ring 110, for example, in FIG. 5 of Sorenson, it is not disposed through “through an end of the first elongated member” as recited in claims 1 and 16.

For anticipation under 35 U.S.C. §102 the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claim, is not found either expressly or inherently described as required by the M.P.E.P.,

Sorenson cannot be said to anticipate the invention as claimed. Hence, withdrawal of the outstanding rejection is respectfully requested.

Claims 2-4 and 7-8 depend ultimately from independent claim 1 and are patentable over the cited prior art for at least the same reasons as is claim 1.

Claims 19 and 20 depend from independent claim 16 and are patentable over the cited prior art for at least the same reasons as is claim 16.

Claim 5 was rejected under 35 U.S.C. § 103 as being unpatentable over Sorenson as applied to claims 1-4, 7-8, 16 and 19-20 and further in view of Messier. Claim 5 depends from independent claim 1 and is patentable over the cited prior art for at least the same reason as is claim 1. Messier does not cure the deficiencies of Sorenson because it does not teach at least one receptacle for receiving a restricting device “through an end of the first elongated member.”

In accordance with the M.P.E.P. §2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re: Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re: Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494 196 (CCPA 1970). Since the prior art does not teach all of the features as claimed, Sorenson, alone or in combination with Messier cannot be said to teach or suggest the present invention as claimed. Hence, withdrawal of the rejection is respectfully requested.

Claims 9-12 and 14-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tallman in view of Sorenson. Without conceding the propriety of the rejection independent claim 9 has been amended. It is respectfully submitted that Tallman

does not teach, *inter alia*, "the first elongated member further comprising at least one receptacle for receiving a restricting device through an end of the first elongated member."

Furthermore, Sorenson does not cure the deficiencies of Tallman. As discussed above, Sorenson lacks a teaching of at least one receptacle for receiving a restricting device through an end of the first member through the first elongated member as recited in claim 9. Since the prior art does not teach or suggest all of the claimed features, Tallman, alone or in view of Sorenson, cannot be said to teach the claimed invention. Hence, withdrawal of the outstanding rejection is respectfully requested.


Claims 10-12 and 14-15 ultimately depend from independent claim 9 and are patentable over the cited prior art for at least the same reasons as is claim 9.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned agent at 202/861-1748.

Respectfully submitted,

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Attachment – Appendix

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**Date: June 10, 2003**

**Appendix – Marked-up Version of the Claims**

**IN THE CLAIMS:**

Please amend claims 1, 9 and 16 as follows:

1. (Twice Amended) An extensible handle comprising:

a first elongated member having two ends, the first end positioned to engage a device to be operated, the first elongated member further comprising an expanded portion of increased width and a narrow portion of reduced width relative to the expanded portion;

the first elongated member further comprising at least one receptacle for receiving a restricting device through an end of the first elongated member; and

a hollow second elongated member having two ends, the second elongated member positioned to receive the first elongated member, the second elongated member further including a restricting means, wherein, in order to prohibit movement in an axial direction, the first end of the second elongated member is configured to be retained by the restricting device.

9. (Twice Amended) An apparatus for moving an item comprising:

a base;

a supporting means positioned above the base;

an arm having two ends, the arm positioned so that one end is pivotally related to the supporting member and the other end is pivotally related to the base;

a lifting means; and

a handle comprising;

a first elongated member having two ends, the first end positioned to be received by the apparatus, the second end having an expanded portion of an increased width; the first elongated member further comprising at least one receptacle for receiving a restricting device through an end of the first elongated member; and

a second elongated member having two ends, the second elongated member being hollow and positioned to receive the first elongated member, the second elongated member further including a restricting means having a width that is narrower than the width of the expanded portion of the first elongated member, wherein, in order to prohibit movement in an axial direction, the first end of the second elongated member is configured to be retained by the restricting device.

16. (Twice Amended) An extensible handle, comprising:

a first elongated member having two ends, an expanded portion of increased width, and a narrow portion of reduced width relative to the expanded portion;

the first elongated member further comprising at least one receptacle for receiving

a restricting device through an end of the first elongated member; and

a hollow second elongated member having two ends, the second elongated member positioned to telescopically receive the first elongated member and further including a means for restricting the expanded portion of the first elongated member from fully passing through both ends of the second elongated member, wherein, in order to prohibit movement in an axial direction, the first end of the second elongated member is configured to be retained by the restricting device